

of the present entente cordiale between France and Great Britain, France renounced "the privileges established to her advantage by article 13 of the Treaty of Utrecht, and confirmed or modified by subsequent provisions." But Article 2 declares that "France retains for her citizens, on the footing of equality with British subjects, the right of fishing in the territorial waters," along certain described portions of the coast of Newfoundland, subject to the laws and regulations now in force, or which may hereafter be passed, for the establishment of a close time in regard to any particular kind of fish, or for the improvement of the fisheries.⁴

The wording of the second article that "France retains for her citizens, on the footing of equality with British subjects, the right of fishing in the territorial waters" of Newfoundland, would seem to be a diplomatic mis-script of the expression "allowed" in the treaty of 1713.

National and civil rights within a sovereignty are the birth-right privileges of its subjects. And as every sovereign may forbid the entrance into his territory either of foreigners in general, or of certain classes of foreigners, he can annex to the permission to enter, whatever conditions he considers to be advantageous to the state: and therefore the permission to enter cannot be construed as conferring upon the admitted foreigners a "right," but only a "liberty" or "privilege." The words "retain the right" used in the treaty must be construed as diplomatically condoning the assertion of a foreign trespass on the sovereign prerogatives and territorial inviolability inherent in national sovereignty.⁵

⁴The treaty of 1904 provided that the British Government should pay a pecuniary indemnity to the French citizens who had to abandon their establishments, or give up their occupation, in consequence of the modifications introduced by the treaty,—which indemnity amounted to £54,683, or \$273,415.

⁵In 1888, France formulated a claim that: "The right of France to the coast of Newfoundland reserved to her fishermen, is only a part of her ancient sovereignty over the island, which she retained in ceding the soil to England, and which she has never weakened or alienated." Prowse's History of Newfoundland, page 541. But the Treaty of Utrecht—which ceded Newfoundland with the adjacent islands "to belong of right wholly